



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

SHORT SUBDIVISION – REVIEW CHECK LIST AND DECISION

Application Number: 2301047

Applicant Name: Greg Brant

Address of Proposal: 521 20th Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of into three unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses is being reviewed under project #2208699.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

Located on the eastside of Capitol Hill the subject site is positioned in the middle of the block between East Mercer Street and East Republican Street on the west side of 20th Avenue East in the Capitol Hill neighborhood. The existing lot is approximately 4,817 square feet located in a Multifamily Lowrise One zone (L-1) with a minimum density limit of one unit per 1,600 square

feet of lot area. The site is rectangular in shape on a virtually flat lot that rises slightly from east to west. The site is currently under development with the construction (permit #7334433) of two townhouse structures containing a total of three units (two units in one structure and one unit in the other structure). The proposed three-story structures will gain vehicle access through a partially improved alley in the rear with pedestrian access to 20th Avenue East.

The surrounding residential structures on the block front are for the most part modest one to two-story structures on a quiet residential street. The mix of multifamily and single family residential uses works well in this quiet neighborhood. Mature street trees in the planting strip create a sense of warmth along the streetscape that is otherwise dominated by parked cars. Zoning in the vicinity is a mix of Neighborhood Commercial, Multifamily Lowrise and Single family zoning. Immediately to the west across the alley from the subject site, a two block band of Neighborhood Commercial One with a forty foot height limit (NC1-40) is situated along 19th Avenue East. A small area of Multifamily Lowrise Two and One (L1 & L2) is clustered around the development site within a large tract Single family 5000 (SF5000) zone. Two restaurants anchor the neighborhood commercial center to the northwest of the subject site, while to the south Miller Community Center with its accessory playfields provides for recreational opportunities for the extended neighborhood.

Proposal

The subject property is currently under development with the construction of two townhouse structures (under related permit number 733433). The short subdivision, unit lot subdivision is the subject of this decision, will create three separate unit lots for each of the townhouse units on one single parent lot (or development site). Vehicular access will be provided from an improved alley running parallel to the 20th Avenue East street frontage to a shared parking pad.

Public Comment:

Date of Notice of Application:	March 6, 2003
Date End of Comment Period:	March 19, 2003
# Letters	3

Issues:	A neighbor expressed concern about future impacts of increased parking demands upon the streets in this residential neighborhood. The Land Use Code requires one (1) parking space for each townhouse structure. The applicant has met the minimum parking standard for the development site. A next door neighbor wrote to inform us that she was currently embroiled in an adverse possession claim against the subject property. Until a claim is recognized by the courts adverse possession claims are civil matters between two private parties that are outside DCLU jurisdiction and as such, have no bearing on this decision. Lastly, another neighbor voiced their concern with compatibility of the new townhouse structures with the housing in the area. Under a separate issued permit the owner has developed their site to be within the building envelop for residential structures within the L-1 zone.
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PLAN REVIEW – SHORT SUBDIVISION

SMC 23.24.020 Content of application.

Applications for approval of a short subdivision shall include the following:

- A. ☒ Plat of the proposed short subdivision containing standard survey data;
- B. ☒ Vicinity map on which shall be indicated the property to be subdivided;
- C. ☒ Plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;
- D. ☒ Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- E. ☒ Name and address of owner(s) of the tract;
- F. ☒ Location of existing roadways, sanitary sewer, storm drain and water main, if any, together with proposed street improvements; and
- G. ☒ Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 ½) feet above the ground, with species indicated.

SMC 23.24.030 Content of short subdivision.

- A. Every short plat of a short subdivision filed for record must contain:
 - 1. ☒ A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
 - 2. ☐ If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.
 - 3. ☐ Roads not dedicated to the public must be clearly marked on the face of the short plat.

4. ☐ All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.
- B. ☐ The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.

SMC [23.24.035](#) Access.

- A. ☒ Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B. ☐ Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.
- C. ☐ Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.
- D. ☐ Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:
1. ☐ Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and
 2. ☐ The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
 3. ☐ The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
 4. ☐ No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. ☐ There is identifiable access for the public and for emergency vehicles; and
6. ☐ There is no potential for extending the street system.
- E. ☒ Dedicated streets and alleys shall meet the requirements of Chapter [23.53](#) and the Street Improvement Manual. Easements shall meet the requirements of Section [23.53.025](#).

CRITERIA REVIEW – SHORT SUBDIVISION

- A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat.
1. Conformance to the applicable Land Use Code provisions (including street improvement requirements);
- ☒ Zoning review approved.
- ☒ Development standards of underlying zone (including Overlays).
- ☒ Chapter [23.53](#) Streets and Alleys
- ☒ Chapter [23.54](#) Parking and Access
- ☐ Zoning review approved with conditions or corrections.
2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);
- ☒ Fire Marshal's Office approved.
- ☐ Fire Marshal's Office approved with conditions.
- ☐ Seattle City Light review approved.
- ☒ Seattle City Light requires easement.
3. Adequacy of drainage, water supply, and sanitary sewage disposal;
- ☒ Drainage review approved.
- ☐ Drainage review approved with conditions.
- ☐ Seattle Public Utilities Water Availability Certificate (WAC) approved.
- ☒ Seattle Public Utilities requirements for WAC approval.
Recorded easement allowing underground water service from 20th Avenue East to back Unit Lots B and C

4. Whether the public use and interests are served by permitting the proposed division of land;
 - ☐ Department of Parks and Recreation approved.
 - ☐ Department of Parks and Recreation approved with conditions.
 - ☐ Department of Neighborhoods (landmark sites or Districts) approved.
 - ☐ Department of Neighborhoods (landmark sites or Districts) approved with conditions.
 - ☒ Building Plans Examiner review and approval.
 - ☐ Building Plans Examiner approval with conditions.
 - ☒ The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision, therefore meets this criterion.
5. Conformance to the applicable provisions of SMC Section [25.09.240](#) , short subdivision and subdivisions in environmentally critical areas;
 - ☒ Site not located in a riparian corridor buffer, wetland, wetland buffer or steep slope.
 - ☐ Site exempt from ECA Ordinance (SMC [25.09.040](#))
6. Is designed to maximize the retention of existing trees;
 - ☐ Site does not contain trees at least 6-inches in diameter measured 4-½ feet above the ground.
 - ☒ Site does not contain Exceptional Trees as defined in Director's Rule [6-2001](#).
 - ☒ The short subdivision meets the applicable provisions of SMC [25.11](#).
 - ☐ A tree preservation plan is required.

SMC [23.24.045](#) Unit lot subdivision.

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- A. ☒ Applies exclusively to townhouses, cottage housing developments, residential cluster developments, and single family residences in zones where such uses are permitted.
- B. ☒ Sites developed or proposed to be developed with dwelling units in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or

all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

- C. ☒ Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.
- D. ☒ Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.
- E. ☒ Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.
- F. ☒ The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

SMC 23.24.060 Redivision procedure.

☒ Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter [23.22](#), property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter [23.28](#).

DECISION – SHORT PLAT: **CONDITIONALLY APPROVED**

CONDITIONS – SHORT PLAT:

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each unit lot, parcel or tract created by the

short subdivision (unit subdivision) shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side setback easements, fences or structures shall be shown. All structures related to building permit number 733433 shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat.

2. Add the conditions of approval to the face of the plat, or on an additional page if needed. If the conditions are on a separate page, insert on the plat:

“For conditions of approval after recording, see Page ____ of ____.” (If necessary, renumber the pages).

3. Outline on the face of the short plat: the legal descriptions for the existing and proposed lots; the location of the existing utility lines on the face of the plat; all ingress and egress and utilities easements. If a utility easement is required by Seattle City Light, then the easement in its entirety (typically referred to as “Easement A”) shall be shown on the face of the plat.

4. Provide an easement or covenant to allow for the placement of a visually accessible address sign on Parcel D or E for the benefit of Parcel G.

5. Provide a notation on the face of the short plat to read as follows:

“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

6. Submit the final recording forms and fee.

After Recording and Prior to Issuance of future Building Permit

The owner(s) and/or responsible party(s) shall:

7. Attach a copy of the recorded short plat to all building permit plan sets.
8. Submit a standard drainage control plan for all of the unit lots.

Conditions of Approval Prior to the Individual Transfer or Sale of Lots

Prior to the individual transfer or sale of any one of the lots, the owner(s) and/or responsible party(s) shall:

9. Comply with the requirements outlined in the Water Availability Certificate (WAC #99-1062).

10. Ensure that private use and maintenance agreements for all ingress/egress and utility easements are created.
11. Ensure that any owner(s) and/or responsible party(s) is/are made aware of the joint use and maintenance responsibilities associated with “common” or shared property/structural features, including common walls.

Signature: (signature on file) Date: May 22, 2003
Bradley Wilburn, Land Use Planner
Department of Construction and Land Use
Land Use Services